

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

CLIFF HARDY

PLAINTIFF

V.

CIVIL ACTION NO. 1:08-CV-28-SA-JAD

CITY OF TUPELO, MISSISSIPPI

DEFENDANT

ORDER

Pursuant to a Memorandum Opinion to be issued on this day, it is hereby ordered that:

- (1) Defendant's Renewed Motion for Judgment as a Matter of Law is **DENIED**;
- (2) Defendant's Motion for a New Trial is **DENIED**; and
- (3) Defendant's Motion for Remittitur is **GRANTED IN PART AND DENIED IN**

PART:

- (a) The jury's award of \$100,000.00 in back pay to Plaintiff shall be remitted to \$85,415.64, less an additional amount in retirement benefits contributed by Defendant to be determined by the Court after the parties have briefed the issue as detailed in the Memorandum Opinion corresponding to this Order. The parties shall submit their briefs and documentation within fifteen (15) days of the entry of this Order.
- (b) The Defendant's Motion for Remittitur is denied with respect to the jury's award of \$200,000.00 in compensatory damages for mental anxiety.

So ordered on this the 2nd day of November, 2009.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE